

**RECORD OF PROCEEDINGS
REGULAR COUNCIL HYBRID MEETING
MONDAY, MAY10, 2021 – 7:30 P.M.
MAYOR WILLIAM G. KOONS PRESIDING**

MEMBERS PRESENT: Berger, Canton, Carroll, Galicki, Naim, Porter

OFFICIALS PRESENT: Fiscal Officer Romanowski, Police Chief Rizzo, Street Commissioner Alder, Solicitor Matheney, Engineer Haibach

VISITORS: Jim Beckett, Jen Lyndall, Sandy Kleinkenect, Leslie Galicki, Greg Heilman, Emily Gold, Jessica Kiffner, Susan's Iphone, Bob Rebeta, Christina Gillespie, David, Susan Morgan, moto e5 cruise, Eric Haibach, Kathy McClure, brian's iphone *JUDY HARVEY, DR. STEPHENSON, JEN LYNDALL, DAVID LOWE*

The Mayor called the Regular Council meeting conducted in person and via the teleconference service Zoom to order. The Pledge of Allegiance was recited. The Fiscal Officer read the roll. Carroll made a motion to approve the April 26, 2021 Council meeting minutes, seconded by Naim. Voice vote – ayes, all. Motion carried.

VISITORS: The Mayor stated that on Sunday May 23rd, a parade would be held on Manor Brook Dr. to honor First Responders. The Mayor thanked everyone for supporting the Police Department and stated that the last police levy passed by an 85% margin. He said it was a tribute to the officers and Chief Rizzo. The Mayor announced the appointment of Patrolman Michael Kleinknecht to the position of Detective. Porter made a motion that the Mayor's appointment of Officer Kleinknecht to the promotion of Detective in the Village of South Russell be confirmed, seconded by Canton. Voice vote – ayes, all. Motion carried. The Mayor then administered an oath to Detective Kleinknecht.

Chief Rizzo recommended that Kevin Spackman move from part-time to full-time Patrolman. The Mayor appointed Kevin Spackman as full-time Patrolman. Porter made a motion to confirm the appointment of Kevin Spackman for the purposes of becoming a full-time Patrolman in the Village of South Russell, seconded by Canton. Voice vote, ayes, all. Motion carried. Mayor administered an oath to Patrolman Spackman.

Judy Harvey presented a proposal for the installation of a new butterfly garden west of the pavilion in the South Russell Village Park. She provided the pertinent plans and information to Council and offered that it would be a gift from the Harvey family. The garden would be professionally installed in the fall. A garden group would maintain it in the future. Galicki explained that Harvey appeared before the Park Committee on April 28th and received wholehearted support from the Park Committee. Galicki added that the Mayor said he would approach the Western Reserve Land Conservancy (WRLC) to obtain approval of the location of the garden since it approached and/or infringed on the WRLC land. Galicki verified that the Mayor had done this, and the Mayor stated Pete McDonald wholeheartedly said yes. Galicki

asked if this should be put in writing, and the Mayor said no and added that the Village did not do it for the former Girl Scout butterfly garden project. He did not think it was necessary. Berger asked how far west the garden would be from the pavilion, and Harvey explained it was one length of the garden over and almost to where the longer grass is. Canton questioned whether it was infringing on the WRLC property, and Galicki stated he thought it was, which was the reason the Mayor was asked to obtain permission from WRLC. The Mayor stated that they had no problem with the Village coming into the area and were happy that it was something nice for the park. Canton asked if the Mayor was confident that McDonald's word was good. The Mayor concurred. Carroll asked if this was communicated through email, or just a phone call. The Mayor replied that it was a phone call. The Mayor explained it was the same thing McDonald did for the Girl Scout project. Carroll asked if approval was sought for the 319 grant project in the park, and the Mayor stated yes. Carroll asked if it was written, or verbal and the Mayor said verbal. Galicki asked the opinion of the Solicitor. She suggested getting an email from McDonald. Porter and Carroll agreed.

Carroll asked how many members were in garden group who would be maintaining the garden, and Harvey explained that there were eight. She also included in her proposal that going forward, it would be necessary to connect with a group or organization like a garden club to ensure it will be maintained.

Contingent on written approval of land use by WRLC, Galicki made a motion to accept the project of the reconstitution of the Butterfly Garden, seconded by Carroll. Porter verified the Park Committee was in favor, and Galicki verified it was unanimous. Voice vote – ayes, all. Motion carried. Nairn said this was a beautiful gesture and everlasting gift on the part of the Harvey family. Nairn added that she looked forward to the garden obtaining the same certification from the Monarch Society as the original garden had.

The Mayor provided an Alderwood Country Estates presentation regarding ponds and flooding. He began by stating the issue had been going on for a while and had become an emotional issue. He reviewed the 2013 and 2017 recommendations by CT Consultants and Chagrin River Watershed Partners (CRWP). The Mayor added that nothing had happened with these recommendations. The Mayor explained that the lakes in Country Estates are privately owned. The Village put in a wetland in the northwest corner of the Village park to catch water in the northwest corner of the park. The water eventually flows north under Bell Rd. Last summer, the Mayor, Engineer, and Street Commissioner met with Country Estates residents. In December 2020, a letter was sent to Country Estates lake owners requesting that the water flow be unrestricted. In January 2021, they met with some of the Country Estates Lake owners to look at the situation. In April 2021, there were heavy rains that caused the water to overflow one of the lakes which resulted in flooding, in particular at 137 Teaberry Circle, which belongs to Dr. Stephenson. Letters were sent to Country Estates lake owners asking permission for an easement for a survey group to enter the private property.

The Engineer explained that survey elevations are needed to understand the scope of work. He explained that from the Village Park to the system of lakes, there are two 36" culverts that allow water to flow between the lakes. Ultimately there is a choke point with a 12" culvert installed in

one of the lakes by a resident many years ago. Additionally, there were swales that had deteriorated and were no longer functioning to transport the water effectively. The Village was proposing CT conduct a survey elevation to determine how much swale must be cleared to effectively restore the free draining condition between the four ponds and then north to Russell Township.

The Mayor said that Village could do nothing to solve the situation because it was on private property and was a private issue. The Village could ask the residents of the Preserve of Chagrin Homeowners Association (HOA) and Country Estates to implement the recommendations of CT Consultants. First it would be necessary to get the recommendations. The Village could implement the recommendations and assess the residents for the costs. There was also legal action. The Solicitor concurred that these were the options.

The Mayor introduced Dr. Stephenson, who moved into 137 Teaberry in August 2020 and had had water flowing into her property.

Dr. Stephenson reiterated the issues and stressed how critical the waterflow problem had become. She noted that despite the recommendations over the years by CT Consultants and CRWP, nothing had been done. In Spring of 2020, the Mayor made a recommendation regarding the replacement of the 12" pipe with a 36" pipe as well as lowering the level of the pipe and he said a letter would be sent to the owners of this pond. Two weeks would be given to the resident to address the matter and determine a reasonable solution. Stephenson stated that this letter, however, did not actually go out until January or February of 2021, and the two-week mark had passed, and nothing had been done. Stephenson reviewed the Village ordinances and found that violations exist relative to the failure of the homeowners to contain the water. She believed it was a long-standing violation and felt the Village should enforce the ordinance. The problem has continued to worsen to the extent that she has submerged trees in her yard and water encroaching on her foundation. She and the residents of the Preserve have been patient enough for far too long. Stephenson asked that the Village take immediate action.

Galicki asked if the matter had been addressed by the HOA. Stephenson stated that it had and the HOA had been in contact with Mayor Koons for years. Galicki clarified that the HOA had taken no action to correct the problem. He wondered what the hesitancy of the HOA was to take action to protect the homeowners. Jen Lyndall, President of Preserve of Chagrin HOA, advised that the HOA had been initiating process with the current Country Estates board since early 2020. They included the Mayor as a neutral third party in order to take a mediation route rather than initiating litigation. In the spirit of being good neighbors, they were trying to come to a cooperative resolution. The HOA offered help with labor and providing engineering studies which had been conducted on behalf of the HOA. The Board felt that the matter was coming to a resolution with intervention of the Village. However, efforts had stalled due to push back by private property owners. Lyndall explained that the HOA had been involved because it owns a common strip of land that runs in between the Preserve of Chagrin and the privately owned lakes in Country Estates. This land is also affected by flooding from the private Country Estates ponds.

The HOA would like to see the problem addressed and believe the solution is obvious. However, they are somewhat powerless to make the final step happen. She provided permission to access the HOA land if needed, since access had been an issue.

Galicki asked the Mayor to elaborate on the intervention he had provided. The Mayor explained that the Village had asked to go onto the private property involved and had been waiting for a written response from the private landowners. These residents received a letter and a request for an easement. During one visit, the Mayor was told he and Village personnel were not allowed on the property. There had been push-back, but there had also been some good people who wanted to help. It would be necessary to get on to the property to determine the solution, which would involve both communities.

Carroll asked the Engineer if access through the Preserve would suffice, or would he need to go through the Country Estates property. Engineer said he would have to go on Country Estates property to make the recommendation because some of the involved swales were completely on this property. Carroll clarified that the Engineer was still waiting for permission from Country Estates. The Engineer concurred. Carroll noted that there were two different surveys done in the past where recommendations were made. He asked why nothing happened with these if the issues and solutions were identified. Carroll questioned if this were a zoning issue. He added that if the ordinance is being violated, it needs to be addressed. The Engineer explained that both the Village and the homeowner had been aware of the problem with the 12" pipe for years. Carroll understood this, but said the Village needed to move the needle. The letter had been sent and the two-week period had passed, and Carroll wanted to determine the plan for enforcement of the ordinance.

Stephenson said that there were measures outlined in the ordinances pertaining to allowable action by the Village. She found it shocking that the Mayor stated that the Village could not do anything because the Village could go in, do the work, and charge the resident through taxes. This matter had been passed on and on and the two-week mark had come and gone. It was unacceptable that the Village had done nothing. The Village must enforce the ordinances it created. Carroll agreed.

Canton suggested that the Solicitor study the ordinances in question and report back to Council about the action that the Village could take. Stephenson advised that the residents have run out of time and the water problem is only getting worse. The residents have been patient enough and require a timeframe for the work to be completed and homeowners to be held accountable. Carroll agreed and said whatever the Solicitor indicates, the Village should follow the process and enforce the rules and regulations.

The Solicitor stated that there is a process. The Village would cite the homeowners for a violation of one of the Codified Ordinances. She was assuming that the Village had an actual valid citation. She explained the necessity to prove the existence of the obstruction and diversion of water. The process then involves citing the homeowner and giving them a certain amount of time to respond. If they did not respond, the Village would file an action in court to order them to do or to refrain from doing something.

Carroll asked the Engineer if a 319 grant could impact this area. He explained that the Street Committee discussed the possibility of the transfer of the Manor Brook 319 grant in the event the current project fell through. The Engineer said no because it involved a different watershed. However, the Village could apply for another 319 grant to open the water course. Carroll pointed out that the grant from Kensington Green was split between Village Hall and the park. The Engineer was not sure if the same watershed was involved. Carroll verified that the Engineer checked with the Ohio EPA to see if the grant could be moved, and that they said no. The Engineer said he did and was told that if it was not in the same watershed, then it was highly unlikely.

The Mayor addressed the Solicitor and stated that the Village has asked the private property owners for an easement to go on to their property to determine what needs to be done. The Engineer indicated that the Mayor keeps referring to it as an easement, but all that is needed is an access agreement/waiver. The Solicitor agreed. She assumed this was what was sent to the homeowners. She verified that the Mayor had received no responses, and the Mayor indicated he had not seen any to date. The Mayor asked how much time the homeowners should be given. The Solicitor stated it was up to the Mayor, but it was necessary to cite the homeowner first and she was not sure the Village had adequate support to cite them for the violation of obstruction and diversion of water. She asked if it were necessary to gain access to the property to assess this and potentially determine what should be implemented to fix it. The Engineer stated there was absolutely an obstruction with trying to drain a 36" pipe through a 12" pipe. There were more components to be identified with regard to the swales, which was the reason for the survey. The Solicitor asked who put in the 12" pipe, and the Engineer explained that the 36" pipes were put in when the Country Estates subdivision was built. The Village has an easement over both of the 36" culverts and it is the responsibility of the Village to maintain these. The 12" pipe was installed by a private resident years ago, and the Village had no jurisdiction over this. The Solicitor asked if it was on one property. The Engineer explained that it was, but the swales were on both private property and HOA property. Galicki asked if the resident replaced a surface swale with the 12" pipe, and the Engineer said yes. Nairn questioned the legality of this and asked if permits would have been required. The Engineer was not aware of a permit obtained for it.

The Mayor reiterated that letters were sent to 12 private pond owners for easements. The Mayor asked what the next steps would be if there were no responses received. The Solicitor asked if a timeline was given on the letters. The Mayor said no. Galicki asked if the Village asked for an easement or a waiver, and the Solicitor explained that it was a waiver. Carroll asked who wrote the letter, and the Solicitor explained it was written by the Mayor and she wrote the waiver. Carroll asked the Solicitor if she had seen the letter the Mayor wrote. The Solicitor stated yes. Galicki verified it did not discuss easements. The Solicitor stated she did not know. She thought the term easement may have been used in the letter. As she understood, the waiver was attached. She explained that it was up to the Mayor as to when he decided to move forward. Carroll stated he would send a certified letter and spell out a timeline so there will be no questions. The Solicitor clarified that the letters were not citations, just a request to go onto the property. The

Solicitor verified Carroll wanted the letter to be sent again by Certified Mail and include a timeline.

The Mayor asked what would happen if the residents would not grant access. The Solicitor stated that either the Building Inspector or Police Chief would address it. The Chief explained that this had been done before when someone altered the water course and was cited by the Building Inspector and the Police assisted. The Mayor said that the letter sent in December, specified the possible actions with the ordinances. No deadline was included. Porter clarified that the letter went out in December. The Mayor stated two letters were sent, one in December and the second on April 29th asking for the waiver/easement. The recipients were asked to sign it and return it to the Village so personnel can conduct the survey of the property.

Lyndall indicated that the home with the 12” pipe has new owners. They are just moving in, and are aware of the issue, although they may not have all the background. They are eager to address the matter and are willing to allow the Village onto the property.

The Mayor explained that he received an irate response from the December letter from one individual. Carroll asked for clarification on acknowledgment of the waivers that were sent, and the Mayor said he had received no responses. He explained that in December, a letter was sent to Country Estates lake owners requesting the waterflow be unrestricted. They were asked to take care of the problem on their own. In January, he met with one of the Country Estates owners who said it was not their problem. In April, another letter was sent to the 12 people who own private ponds asking them to sign an easement so that the Village can get on to their property. The Village is currently waiting for responses. The Mayor stated that he did not think the Village would be getting it from some people, so it would be necessary to take action. Carroll indicated that unfortunately, no deadline was ever provided. The Mayor stated that the residents know what they have to do and they have known it for years. Carroll argued that the Village has known it for years and done nothing. The Mayor said a deadline would be provided. The Solicitor reviewed the required process again.

Stephenson thanked Council for addressing the matter. She hoped the process would move forward.

David Lowe, Arrowood Circle, also had water issues with one of the ponds. His understanding was that homeowners with ponds were supposed to dredge ponds every 10 years. He wanted to know whether this had in fact been done. Lowe relayed that the issue had been going on too long and was pressing Council to take action because the issue is affecting Country Estates and the Preserve. The Engineer was not aware of any requirement to dredge ponds every 10 years. Furthermore, dredging the ponds would not solve flooding problems. What was required was to restore and maintain adequate drainage through the Country Estates water course. The Village should mandate a timeframe to Country Estates to respond to allow the survey crew. The Village is willing to help with engineering to come up with solutions.

Carroll wanted to make a motion to send certified letters to the property owners asking for the waiver within seven days. If they do not respond, then the Village should cite them. The Mayor suggested waiting for the Solicitor to plan out the attack. Canton asked if one week were

appropriate or should it be two weeks. The Solicitor stated it did not matter. The Solicitor advised that the letter asking for permission should not come from the Solicitor. Carroll suggested then it come from the Mayor. The Mayor suggested letting he, the Building Inspector, and the Solicitor develop a plan of attack.

Carroll made a motion that the letters be sent out within a week allowing a week for a response in order to move forward, seconded by Canton. The Village had been trying to plan an attack since 2013 and nothing had come of it. Stephenson stated that with all due respect, the Mayor had not been too proactive in getting the matter done. If others can take some of the responsibilities, that would be great.

Porter suggested Stephenson and the other residents sue the offending homeowner. Stephenson knew she could do this but added that Village could not wash its hands of the matter. Litigation can take time as well. Litigation was entertained by the HOA several years ago, but Mayor Koons told the HOA to back away because the Village did not want residents suing other residents and the Village would get involved with the matter. The Mayor interjected that there was a motion on the floor, and he had heard enough. Porter said both sets of action could be done. Had the residents acted in 2013, the matter would not currently be an issue. Voice vote – ayes Galicki, Nairn, Porter, Canton, Carroll. Berger recused himself because 104 Spring Dr. in Country Estates is owned by the Methodist Church of Chagrin Falls and he is a trustee for the church. It has one of the involved ponds.

Jim Beckett said he is a resident of the Preserve and chairman of the Drainage Committee. He questioned what drainage studies had been conducted relative to the water flowing from the south side of Bell Rd. that enters the Country Estates ponds. He referenced the Village's creation of swales, a pond, and additional water flowing under Bell Rd. to the 36" culvert and wanted to know if the Village had responsibility in introducing more water to the ponds. Specifically, he was referring to the retention/water collection area in the park that was referenced in the presentation. The Engineer explained that before this water was impounded in the park, it was flowing under Bell to the ponds. No water was redirected or added. It had only been mitigated by slowing it.

Bob Rebeta, Preserve of Chagrin, addressed the flooding issue from a different perspective. Hypothetically, if the Preserve decided to build a dam on its common area between itself and Country Estates to prevent the flooding, could Country Estates come to the Village to address their overflowing ponds, 12" pipe, and nonfunctioning swales? Would they be in the same scenario the Preserve finds itself? The Mayor said no, that the Village was trying to work it out for both groups of people. The Village has its process now. It tried to be nice, but now there is an enforcement process coming. Rebeta acknowledged that the scenario he presented was absurd, but like litigation, once on that road it is hard to back out. Anything that could be done through mediation would be best to determine a solution.

MAYOR'S REPORT: The Mayor stated that the following day, the Village should receive \$367,000 from the Federal Government.

The Mayor requested goals be provided to him.

Last week the Mayor attended a Zoom meeting with the Governor to discuss needs and concerns.

The Village had a Dams and Dredges meeting and 40 people attended. Aquadoc and Connelly Engineering Services provided presentations. A follow up meeting will be Tuesday May 18th.

Northeast Ohio Areawide Coordinating Agency (NOACA) had its annual planning meeting. In June, hopefully funding of Bell Road from Chillicothe Rd. to the Newbury line will be addressed with the Board of Directors.

FISCAL OFFICER'S REPORT: The Fiscal Officer distributed her monthly report. Porter addressed Income Tax and noted it was up. The Fiscal Officer advised everything will be a little off with the tax deadline having been moved to May 17th. There was a Zoom meeting about the ways the new funding can be spent. There were no clear guidelines. A lengthy document had been released, which the Solicitor began to review. The Fiscal Officer stated that it was unlikely the Village would receive the funds the following day because the Federal Government has 60 days to get it to the State and the State has 30 days to distribute it.

FINANCE COMMITTEE: The Finance Committee will meet Tuesday, May 18, 2021 at 8:00 a.m.

SOLICITOR: The Solicitor reported that she briefly looked at how American Rescue Plan Act (ARPA) funds can be used. She will send her review of the document to Council. Regarding use for infrastructure for water, sewer, and broadband, she said the rules seemed to be more inclusive rather than exclusive. Stormwater could be included as part of infrastructure, but there were certain parameters.

Carroll asked for an update on Manor Brook. The Solicitor had heard nothing. Carroll asked the Solicitor to reach out again and request a response by the beginning of June. Carroll clarified that she should contact whomever the Village needed to obtain the easement from to determine what the costs would be. The last the Village had heard was that the HOA wanted \$18,000 for the easement and the Village provided a counteroffer. The Village needed to move one way or another. The Solicitor stated that to date there had been no transfer of properties and the parcels were still technically titled in Whitetail's name. Porter stated that legally if the Village were to get an easement from Whitetail for all four parcels, it would go with the land. If the Village wanted to move forward and Whitetail was willing, then the Village would negotiate with Whitetail for an easement that could be passed to Manor Brook Gardens if they ever obtained title to the property. Carroll suggested reaching out to Whitetail in writing to see if they had a counteroffer which should also be in writing. If no response was received, then the Village had action it could take. Porter added that the project would probably be at an end. Carroll asked if the Solicitor and Mayor could take care of this and report back at the next meeting. Carroll asked if a motion were necessary to ensure this happened and the Mayor said no.

ENGINEER: The Mayor relayed that the Ohio Public Works Commission (OPWC) would be providing funding for the traffic light at the corner of Bell Rd. and Chillicothe Rd. The Engineer also obtained funding for parts of Bel Meadow. Carroll stated it was 50% funding for Bel Meadow and 50% for the traffic light, which Porter stated would be \$90,000 of \$180,000.

STREET COMMISSIONER: The Street Commissioner submitted his monthly report. He added that Trash Day was successful. He thanked all who helped with it and added that seven trash dumpsters were filled.

STREET COMMITTEE: Carroll reported that the Street Committee had no report. The next meeting will be May 28th.

BUILDING COMMITTEE: Berger stated that the Building Committee met May 5th. He reported that the committee continued to investigate software packages.

POLICE CHIEF: The Chief had no report. The Safety Committee will be considering the hiring of part-time officers.

SAFETY COMMITTEE: Porter stated that the Safety Committee met May 5th and the minutes were submitted. As indicated by the Chief, there is a need for part-time patrolman due to promotions within the department. On the recommendation of the committee, Porter made a motion that the Mayor and Chief of Police be authorized to advertise for two part-time officers, seconded by Canton. Voice vote – ayes all. Motion carried. The next Safety Committee meeting will be June 3, 7:00 am in the Police Department conference room.

HR COMMITTEE: Nairn reported that through a joint HR/Building Committee meeting, interviews were held on Friday, May 7th of candidates for part-time Building Inspector. Nairn reported that the process is ongoing. A joint HR/Finance Committee meeting will be held May 21st in Village Hall at 8:00 a.m. to continue work on the tiered salary system.

Carroll asked how the candidates looked for the part-time Building Inspector. Nairn said they looked good and had a lot of qualifications which included electrical certification.

PROPERTY COMMITTEE: Galicki advised that the Property Committee will be meeting at 9:30 a.m. on Wednesday, May 12, 2021 in Village Hall.

PUBLIC UTILITIES: Nairn reported that there will be a Special Meeting of Council for purposes of holding two public hearings for the gas opt-in of the Northeast Ohio Public Energy Council (NOPEC) Plan in Governance. Nairn verified with the Mayor and Fiscal Officer that a quorum would be required for both. They will be held Monday, May 24th at 8:00 a.m. and 7:00 p.m.

Nairn addressed the NOPEC grant and stated that the Street Commissioner decided to go with Lashley to get a partial roof repair done with the grant money. The quote received was for \$6,800. There will be a little over \$3,000 remaining of the grant money, and the Street Commissioner indicated he would investigate a door replacement as another energy savings project. The deadline for the grant is June 30th.

PARK COMMITTEE: Galicki reported that the committee met on April 28th in Village Hall. The minutes were provided to Council. As part of the recommendation of the Park Committee, Galicki made a motion that the park pavilion be opened to rentals commencing Tuesday, May 11th, seconded by Nairn. Voice vote – ayes, all. Motion carried.

Regarding the Pavilion rentals, The Mayor wanted to change the designee for handling the rentals from the Building Department to the Fiscal Officer's Administrative Assistant. He explained that in making the reservation, it is necessary to check the calendar in Village Hall and the check must eventually end up with the Fiscal Officer. He saw no need to run it through the Building Department and viewed this as making the process simple and smooth. In order to do this, he recommended that in the month of May, five additional hours of work be provided for the Fiscal Officer's Administrative Assistant to make the transfer of the process to deal with the calendar, website, and some of the paperwork, which he felt needed to be updated. Last year, the pavilion was rented 40 times and in a normal situation, it should take about 10 minutes. Galicki advised that the Mayor would be removing the scheduling from a full-time employee to a part-time employee who is not available throughout the week to take reservations. The Fiscal Officer stated that her office used to have this responsibility, but two years ago it was moved to the Building Department on the premise that it was a permit, and all permits should go through that department. The Fiscal Officer further stated that she knew nothing about this request. The Mayor stated that one of the ordinances states the Mayor designates who is going to handle it, and he wanted to take it off the Building Department and give it to a different employee. Galicki asked if the Building Department is overworked now, or did the reasoning change about the permitting? The Mayor stated that the process could be simplified and streamlined by dealing with the calendar which is handled at Village Hall as well as handling the checks.

Galicki asked the Fiscal Officer how she felt about the proposal, and she said she just wished she had known ahead of time. She must check the job descriptions. Carroll was surprised the Fiscal Officer did not know about this since it is her Administrative Assistant. There should have been a discussion with the Department Head to determine functionality. When the Administrative Assistant is not available, it would be something the Fiscal Officer must do. Carroll thought it was problematic that the Mayor had not discussed this with the Department Head about something that her employee would be doing. Galicki thought this was one of the jobs that transferred to the Building Department to justify full-time employment. The Mayor replied that this is a task that a high school kid could do and that it is not rocket science. Carroll felt that out of common courtesy the Mayor should have observed the chain of command. Mayor said it was a minor situation and he did not see the big issue. Galicki added that if it were such a minor thing, why was it being transferred in the first place. The Mayor stated that the feeling was that the Fiscal Officer was overworked, and the Building Department was underworked. It has been a ping pong ball that has gone back and forth. Galicki clarified that the Mayor was saying the Building Department was underworked, and the Mayor replied that this was the feeling when the scheduling went back to the Building Department. Galicki added that perhaps this was why the Building Department required a full-time position because they were underworked.

The Mayor also addressed alcohol consumption and the pavilion. He thought that people would not indicate there would be alcohol consumption to avoid having to pay for a police officer. He did not think Council wanted to get into this. The Mayor discussed this with the Chief. The Chief advised that the park rules indicate there will be no alcoholic beverages in the park unless otherwise approved by Council. If alcohol were being used, an officer or two must be retained at \$35 per hour. Canton asked if the police should check on the gatherings by walking up and

introducing themselves. The Chief said they do not check on parties unless they hear of alcohol being served. Canton suggested this would serve as a deterrent to not violate the rules. Nairn said at times people do not conduct themselves properly with alcohol consumption. She was concerned about the Village being sued. The Fiscal Officer indicated that there is legislation to that effect. She explained there are two forms for renting the pavilion, and if there will be alcohol, bouncy houses, etc. there is a process. The issue the Mayor sees is that people will not indicate on the forms that there will be alcohol, so they will not have to pay for a police officer. Porter did not see the \$35 as something that would preclude people from abiding by the rules. Porter felt it puts people on notice that if they are doing this, police will be required. This might encourage good behavior. The Mayor's concern was that if the presence of alcohol was not indicated on the form, and something happened, then it would come back to the applicant. He asked the Solicitor for her input, and she said she assumed people would be fairly truthful in filling out the form.

Regarding what the ordinance states about the appointment of the designee, the Solicitor did not know that the ordinance actually stated that the Mayor appoints the designee, and the Mayor stated that it specifies that the Mayor appoints the designee.

The Chief added that in the past, Council has approved the Chamber of Commerce events. If unique situations arise, he suggested Council vote on them on a case-by-case basis. Canton said alcohol was consumed at the event, and the Fiscal Officer explained that Council gave permission because of the event to have alcohol. Carroll verified an officer was there, and the Chief concurred. The Mayor did not recall that anyone had paid to have an officer. The Chief agreed. Berger asked if there were any other Village properties where alcohol would be permitted. The Mayor did not know.

The Mayor said that Council would be hearing from the Chamber of Commerce soon, and it would be one of the events where there will be over a certain number of people. The form will have to be checked to see if the alcohol criteria was checked.

The Mayor addressed the change in designee for pavilion reservations and said he thought it was necessary and asked for a motion that the Fiscal Officer's Administrative Assistant receive five more hours during the month of May to make this transition. Carroll maintained that the Mayor should speak to the Fiscal Officer to determine workload. Canton suggested that this be discussed between the Mayor and the Fiscal Officer and address it at the next Council meeting. The Fiscal Officer asked if this would be a temporary arrangement and explained that transferring the duties to another department involves changing forms, etc. and she would not want to do this if it were not permanent. The Fiscal Officer indicated that her Administrative Assistant had done this before, and training was not really necessary. If her Administrative Assistant could not do it, she would cover it.

Carroll asked if this was discussed in Building Committee, and Berger stated no. The Mayor stated it was just his idea and he should have gone to the Fiscal Officer. He reiterated that it was not rocket science to handle some forms.

ORDINANCES/RESOLUTIONS:

Berger introduced an ordinance repealing ordinance 2021-20 and requesting the County Auditor to certify to the Tax Authority the Total Tax Valuation of the subdivision and the dollar amount of revenue that would be generated by a specified number of mills and declaring an emergency. Berger made a motion to waive readings, seconded by Carroll. Roll call – ayes, all. Motion carried. Berger made a motion to adopt, seconded by Carroll. Roll call – ayes, all. Motion carried. **ORD 2021-33**

Berger introduced an ordinance repealing ordinance 2021-21 and requesting the County Auditor to certify to the Tax Authority the Total Tax Valuation of the subdivision and the dollar amount of revenue that would be generated by a specified number of mills and declaring an emergency. Berger made a motion to waive readings, seconded by Carroll. Roll call – ayes, all. Motion carried. Berger made a motion to adopt, seconded by Carroll. Roll call – ayes, all. Motion carried. **ORD 2021-34**

Berger introduced an ordinance amending Chapter 240 of the Codified Ordinances of the Village of South Russell and declaring an emergency. Berger made a motion to waive readings, seconded by Carroll. Roll call – ayes, all. Motion carried. Berger made a motion to adopt, seconded by Carroll. Roll call – ayes, all. Motion carried. **ORD 2021-35**

Berger introduced an ordinance amending portions of Chapter 1602 of the Codified Ordinances of the Village of South Russell and declaring an emergency. Berger made a motion to waive readings, seconded by Carroll. Roll call – ayes, all. Motion carried. Berger made a motion to adopt, seconded by Carroll. Roll call – ayes, all. Motion carried. **ORD 2021-36**

BILLS LIST:

Carroll made a motion to ratify the bills list dated April 29, 2021 in the amount of \$43,681.71, seconded by Porter. Roll call – Galicki, Nairn, Porter, Carroll. Berger and Canton recused themselves. Motion carried.

NEW/OTHER: Galicki, Berger, and Canton had no new business.

Nairn asked for an update on the debris at the back end of 904 Bell Rd. The Mayor said the resident was cited and given two weeks to get the stuff out. He thought she will be given more time because the area is too wet to be accessed by the equipment. Nairn was amazed that the Village had such situations occurring.

Porter asked about the status of the home on Bell with the Volkswagen camper and Volkswagen bug under a tarp. The Chief thought the Building Department was working on this and added that another resident on Lakeview was recently cited for the same issue. The Mayor stated that the residents of 1233 had not been cited, but that the Building Inspector had met with them and told them that this is not done here.

Regarding the asphalt bids, it was communicated to Carroll that one of the processes that is done is a proprietary process and only Specialized Construction can do it. The significance is that it closes out the bids and limits the availability of contractors bidding on the project. The Solicitor said she would need to see the specifications and find out more. Carroll suggested that the


Engineer and the Solicitor discuss the matter. Porter recommended discussing it at the next Street Committee meeting as well.

The Mayor asked for clarification, and Carroll explained that there is something in the Village's specifications that calls for recycling in place, and whatever process or chemical that is used is proprietary to Specialized Construction. Specialized will sell it to another vendor but at a higher cost. It puts Specialized in a better position to have the lowest bid. Carroll thought it was important to investigate the matter so that the Village is not in a compromising position.

Carroll asked the Mayor how long he served on the Farmers Market board, and the Mayor stated possibly nine years. Carroll asked if the Mayor is still on the board, and the Mayor said no and that he is considered a visitor now.

ADJOURNMENT: Being that there was no further business before Council, Carroll made a motion to adjourn at 9:43 p.m., seconded by Porter. Voice vote – ayes, all. Motion carried.


William G. Koons, Mayor


Danielle Romanowski, Fiscal Officer

Prepared by Leslie Galicki